

Memorandum

: All Commissioners

Date : March 10, 1972

Executive Officer

From : **Commission on Peace Officer Standards and Training**

Subject: COMMISSION MEETING
10 a.m. to 5 p.m., March 24, 1972
Kona Kai Club -
1551 Shelter Island Drive
Shelter Island, San Diego
Phone: (714) 222-1191

10 a.m. to 2 p.m., March 25
Kona Kai Club - Sportscasters Lounge

AGENDA

1. Call to Order
2. Introduction of Guests
3. Approval of Minutes
4. Correctional Officers Request
5. Education and Training
 - a. Certification of Courses
 - b. Moratorium
 - c. Advanced Officer Course Study
 - d. Implementation of Penal Code 832
6. Proposed Regulation Changes
7. Police Standards
 - a. Female Deputy Sheriff Classification
 - b. Administrative Counseling Status Report
 - c. Eligibility for Administrative Counseling Services
8. Legislative Report

9. Financial and Budget Report

- a. Quarterly Activity Report
- b. P.O.T.F. Condition Estimate
- c. P.O.T.F. Projection Chart

10. Project and Committee Reports

- a. Project S. T. A. R.
- b. Advisory Committee

(1) C.H.P. Representation

11. Old/New Business

- a. Office Space
- b. Salaries
- c. P.O.S.T. Staff Reorganization
- d. Compensation for Commissioners
- e. Marshals - Municipal Courts, L.A. County

12. Date and Place of Next Meeting

- a. May 17th, 10 a.m., Hearing - Sacramento
- b. May 24th, 1 p.m., Hearing - Anaheim

13. Adjournment


GENE S. MUEHLEISEN

State of California
Department of Justice

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

MINUTES

March 24-25, 1972
San Diego, California

The meeting was called to order at 10 a.m. by Chairman Fabbri. A quorum was present.

Present:

JOHN FABBRI	- Chairman
JACK G. COLLINS	- Vice-Chairman
LYELL C. CASH	- Commissioner
BEN CLARK	- Commissioner
CHARLES T. FLYNN	- Commissioner
ROBERT S. SEARES	- Commissioner
WM. V. BALLOUGH	- Representative of the Attorney General

Also Present:

GENE S. MUEHLEISEN	- Executive Director
CARL R. BALL	- Assistant Director, Education & Training Division
F. S. BROWN	- Administrative Services Officer
BRADLEY W. KOCH	- Assistant Director, Police Standards Division
O. H. SALTENBERGER	- Consultant, Project S. T. A. R.
K. W. SHERRILL	- Chief, Personnel Standards Bureau
G. E. TOWNSEND	- Assistant Director, Administration Division
G. W. WILLIAMS	- Assistant to the Executive Director
B. W. WILSON	- Chief, Education & Training Division
IMOGENE KAUFFMAN	- Recording Secretary

Absent:

DAN KELSAY	- Commissioner
FRED J. MOREY	- Commissioner
E. R. STRATHMAN	- Commissioner

Staff Training:

DAVID Y. ALLAN	- Consultant, Education & Training Division
RON T. ALLEN	- Consultant, Education & Training Division
DAVID E. BALCH	- Consultant, Education & Training Division
JOHN DAVIDSON	- Consultant, Police Standards Division
ROBERT A. KEEL	- Consultant, Police Standards Division
DARRELL STEWART	- Consultant, Education & Training Division

GEORGE NIESL
RENEE TOIRAC

- Research Analyst, Technical Services Division
- Stenographer, Education & Training Division

Visitors:

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| <p>Moe Camacho</p> <p>Dr. Sidney Epstein</p> <p>Al Gibson</p> <p>Dr. Tom Gitchoff</p> <p>Harry D. Hoekstra</p> <p>Walt Lew</p> <p>Sheldon Messinger, Ph. D.</p> <p>Darrel Moulton</p> <p>Hubert Owsley</p> <p>Al Prater</p> <p>Dr. Charles Smith</p> <p>Chief Jay Stroh</p> <p>John I. Taneyhill</p> <p>Bill Taylor</p> <p>James E. Moulton</p> <p>Shelby Warley</p> <p>Denny Weller</p> | <ul style="list-style-type: none"> - State President, California Correctional Officers' Association - National Institute for Law Enforcement, L. E. A.A. - L. E. A. A., Technical Assistance Division - Department of Criminal Justice, S. D. S. C. - Captain, San Bernardino County Sheriff's Department - Department of Corrections, Training Officer - Dean, School of Criminology, U. C. Berkeley - Legislative Advocate, California Correctional Officers' Association - Parole Agent, Department of Corrections - Lieutenant, Marshal's Department, L. A. County - Director, Project S. T. A. R. - Inglewood Police Department - Lieutenant, Inglewood Police Department - Youth Authority, Training Officer - San Diego Sheriff's Department - Training Division - Sergeant, Riverside County Sheriff's Department - Project S. T. A. R. |
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APPROVAL OF MINUTES

MOTION by Commissioner Clark, seconded by Commissioner Seares, motion carried that the minutes of December 9, 1971, commission meeting be approved.

CORRECTIONAL OFFICERS REQUEST

Darrel Moulton, Legislative Advocate for California Correctional Officers' Association, representing association members in the Department of Corrections and the Youth Authority, presented a request for P.O.S.T. certification and inclusion in the P.O.S.T. Specialized Law Enforcement Certification Program.

During discussion, the following points were established:

1. There is a necessity for a Corrections Commission to set standards for Correction selection and training.
2. P.O.S.T. could contract to handle certain aspects of the training and inspection.
3. It is recognized that there are people in the local areas (sheriff and

police departments) that require correctional training. The P.O.S.T. course in Corrections could, in most instances, accommodate the basic training needs of jail operations and supervision of all agencies.

MOTION by Commissioner Clark, seconded by Commissioner Seares, motion passed that P.O.S.T. proceed as rapidly as possible to develop a Basic Course for Corrections and one in Management for Corrections applicable not only to local departments but also to state agencies in the field of corrections. Courses will be provided by P.O.S.T. to agencies participating in the P.O.S.T. program, but state correctional people will also be invited to attend.

The Executive Director asked whether the motion included parole agents, and Commissioner Clark stated he did not include parole agents in this motion. He was referring only to the institutional people within the corrections system at the state and local level.

Correctional personnel completing the course would be awarded the Certificate of Completion.

EDUCATION AND TRAINING

Certification of Courses

Five Advanced Officer Courses, two Technical and Special Courses, continued certification of two seminars, two reimbursement changes, and the decertification of San Diego State Middle Management Course and the John F. Kennedy Executive Development Seminar, as set forth in Attachment "A", were presented to the Commission for approval. After a discussion, the following action was taken:

MOTION by Commissioner Seares, seconded by Commissioner Clark, motion carried that the courses as presented to the Commission on the Course Certification Agenda, Attachment "A" of the minutes, be approved.

Moratorium

A moratorium on the certification of new, non-emergency type courses was declared by the Commission at the December 1970 meeting to evaluate the existing program and to prepare for further development and modification. The moratorium was extended at the September 1971 meeting in order to provide more time for review. The report, The P.O.S.T. Training Program - A Review and Critique, prepared by Brooks Wilson, Bureau Chief, Division of Education and Training, was presented to the Commission. The report dealt with 19 areas of concern in education and training; an assessment of each with concomitant recommendations. The recommendations, as revised, and commission action taken are set forth as Attachment "B".

Advanced Officer Course Study

In September 1971, P.O.S.T. contracted with Nathaniel Trives of Cal State L.A. to assist in the establishment of Advanced Officer Courses to accommodate the Commission's Advanced Officer Course requirement. The study was to identify geographical and curriculum needs as well as the number of existing courses in California. Mr. Ball reported that this study had not been completed satisfactorily nor had the contract been fulfilled. He further stated that a conference with Mr. Trives will be planned at which time terms of recovery for the contract failure will be formulated. It was felt that with the aid of the study just completed by Mr. Wilson, "The P.O.S.T. Training Program - A Review and Critique", the framework and methodology had been provided to complete this study in-house, which would be the staff recommendation. It was the sense of the Commission that this study is to be completed by staff.

Implementation of Penal Code 832

Mr. Ball reported that A.B. 2886, enacted by the Legislature and approved by the Governor on November 12, 1972, adds Section 832 to the Penal Code which requires each peace officer to receive a course of training in the exercise of powers of arrest and use of firearms. Also required is that such courses shall meet the minimum standards prescribed by the Commission on P.O.S.T. Mr. Ball presented a proposed 40-hour curriculum, "Peace Officer Orientation Course", Attachment "C", which is felt to be amenable to training institutions. The community colleges will carry a large part of the burden of actually providing this training.

MOTION by Commissioner Seares, seconded by Commissioner Clark, motion carried for acceptance of the proposed 40-hour 832 P.C. Curriculum to be included on the May hearing agenda.

PROPOSED REGULATION CHANGES

With the exception of minor changes in wording and few deletions, the regulation changes proposed for the May 1972 hearing, were approved as revised, Attachment "D".

MOTION by Commissioner Clark, seconded by Commissioner Cash, motion carried that the proposed Regulation Changes be approved as revised to be included on the May Hearing Agenda.

POLICE STANDARDS

Female Deputy Sheriff Classification

Mr. Koch presented considerations of a problem concerning female deputy sheriffs appointed pursuant to P.C. Section 4020.4, those female deputies

providing matron duties only. A determination was made by the Riverside County Counsel that for purposes of retirement, female deputy sheriffs are peace officers. This invoked the question as to whether the new classification established eligibility for standards and training under P.O.S.T. Regulations.

Commissioner Clark suggested that the "power of arrest" should not be a factor, but the actual function of the female deputy sheriff in the particular jurisdiction of employment should be clarified. He also felt the category should not be included in the regular P.O.S.T. certification program, thereby precluding jurisdictions from jeopardizing their compliance with P.O.S.T. standards because this classification was not being trained. His suggested policy would be to eliminate the requirement of training for those individuals who are not performing a first-line law enforcement function. The Executive Director stated this has been the practiced guideline, and it was the sense of the Commission that this policy should be continued.

Further discussion pointed out:

1. Staff should indicate present criteria for the purposes of determining eligibility for reimbursement for training, i. e., the employee be designated authority by his jurisdiction to exercise powers of arrest under P.C. 836; there is a logical possibility the employee may be assigned to general law enforcement duties or transfer to them without change in classification; the employee be eligible to advance through ranks within the department.
2. The practiced guideline for staff has been that jurisdictions participating in the P.O.S.T. program are not declared ineligible by reason of not enrolling their employees in basic schools for employees who perform tasks such as evidence technician or matron.
3. In agencies not participating in the P.O.S.T. program, female deputy sheriffs who apparently have peace officer powers would come under the 40-hour curriculum required by Penal Code Section 832.
4. It was concluded that most questions regarding female deputy sheriff classification may be answered by an Attorney General's Legal Opinion to be requested, regarding reimbursable training of certain categories of civilian employees performing police tasks.

Administrative Counseling Status Report

The Administrative Counseling Status Report was given by Mr. Koch. A recap chart showing the status of survey requests, in progress and completed since the inception of the counseling service was presented to the Commission.

This chart showed that as of May 1972, 37 surveys have been completed; four are in progress; there are 37 surveys pending. Three of the four surveys in progress, Tuolumne County, Livermore and Marysville Police Departments, are in the final stages of completion. The fourth, Lodi Police Department, is a departure from the standard survey technique in that the approach was, from the outset, to be implementation oriented and intended to be an on-going survey, and will continue for an indeterminate period of time. The emphasis has been placed on specific recommendations presented to the department as they were prepared. The cooperation between the Lodi Police Department and P.O.S.T. consultants has been exceptional.

The Executive Director pointed out that this technique is an experiment in the implementation of surveys. Logical progression will materialize with a training package produced for the implementation of each recommendation. Training modules for from four to six sizes of agencies will eventually be developed.

Commissioner Flynn suggested cutting the survey pending list by using a questionnaire process formulating an agency participation commitment with some monetary consideration. Mr. Koch stated that with the P.O.S.T. reorganization and the development of an implementation section within administrative counseling, it is felt that much of the pressures developed from the survey backlog can be reduced by sending a team into the field to solve some of the immediate problems pending the time a general management survey can be completed.

It was the sense of the Commission that staff should go back and give assistance in the implementation of those surveys that had been completed.

The Executive Director stated that one thing Administrative Counseling had been striving for was the development of categories of packages that could be built into any agency where applicable. To determine the level of implementation of previous surveys, the following action was taken:

MOTION by Commissioner Flynn, seconded by Commissioner Cash, motion carried that there be a three-month moratorium on applications for surveys. This moratorium is not to include emergency requests of a specific, limited nature. During this time there will be a study of systems of implementation on surveys now completed or in progress. A staff report is to be made at the next regular commission meeting.

Eligibility for Administrative Counseling Services

On the concept of administrative counseling services being considered aids to local government, Mr. Williams stated the following questions were to be considered:

1. Could management survey services be considered as state aid or grants to local government.
2. Must agencies desiring a management survey comply with Penal Code Section 13522 (file an ordinance professing compliance with P.O.S.T. standards), or are such services available to all jurisdictions regardless of participation in the P.O.S.T. Program.
3. If costs for management services are determined to amount to grants to local government, should the Administrative Counseling program's costs be moved to another budget or accounting area, i. e., program costs rather than administrative.

Two staff recommendations were presented:

1. Management studies as described in Penal Code Section 13513 may only be provided to jurisdictions which have adopted an ordinance stating they will adhere to recruitment and training standards established by the Commission as required by Penal Code Section 13522.

By Commission action, this recommendation was tabled until an Attorney General's Opinion was rendered.

2. A study regarding costs involved in the completion of services described in Penal Code Section 13513 shall be conducted to determine whether they are a form of state aid or grant to local government. The Commission's budget and accounting procedures shall be modified accordingly, if so warranted, in order that such costs are no longer attributed to Administration.

Recommendation No. 2 was approved and staff was instructed to request an Attorney General's Opinion to determine if jurisdictions not participating in the P.O.S.T. program qualify to receive state aid, and if state aid includes related costs in surveys. Staff is also to determine the possibility of setting up the accounting procedure as set forth in this recommendation. If it is determined this procedure is legally possible, staff has the authority of the Commission to set up a separate accounting procedure.

Meeting was recessed at 5:30 p.m.

Meeting was reconvened March 25 at 9 a.m.

LEGISLATIVE REPORT

Mr. Williams reported on the following legislation affecting P.O.S.T.

AB 80 and AB 683 (Crown)

Together these bills appropriate \$1.5 million and substitute P.O.S.T. in place of C.C.C.J. for the allocation of funds for local law enforcement's emergency equipment program. Administrative funds are included in the appropriation.

Mr. Townsend stated this is P.O.R.A.C.'s proposed legislation and they have been requested to amend several objectionable portions of it.

AB 375 (Crown-Grunsky)

Replaces C.C.C.J. with full-time, five member salaried board. Each member of the board is to represent one of the following fields: law enforcement, local government, corrections, courts and judicial administration, and criminal justice research. An executive officer shall also be appointed by the Governor. There shall also be a 30-member Advisory Committee on Criminal Justice. Present Council members' terms of appointment are to continue as Advisory Committeemen until expiration of their terms, with appointments to the Advisory Committee upon the creation of vacancies. The Advisory Committee shall meet once each quarter for the purpose of preparing reports and making recommendations.

No Commission action taken.

AB 775 (Biddle)

Adds Section 18861 to Government Code which establishes incentive compensation for state-employed peace officers who are qualified for a certificate issued by the Commission. Those officers who have obtained an Intermediate Certificate will receive an additional salary of \$25 per month; officers with an Advanced Certificate would receive \$50. On the basis that an average officer's salary is \$1,000, the incentive pay equates to 2.5% and 5% of salary. Officers must yearly, off duty, complete 50 hours of education or training approved by the appointing authority, or perform off-duty services in a community project(s) approved by the appointing authority.

No Commission action taken.

SB 68 (Grunsky) (withdrawn by Senator Grunsky)

Provides that Government Code Section 1031 and Penal Code Section 832 shall not be construed to exclude correctional officers designated as peace officers in Penal Code Section 830.5.

SCR 27 (Grunsky) (withdrawn by Senator Grunsky)

Directs that P.O.S.T. not construe correctional officers be excluded from the provisions of Government Code Section 1031 and Penal Code Section 832.

Select Committee on Penal Institutions

The Senate Select Committee on Penal Institutions, established in November 1971, chaired by Senator John Nejedly, recently presented a staff report entitled "Upgrading Correctional Manpower." As Executive Director of P.O.S.T., Council member and Task Force Chairman of C.C.C.J., Mr. Muehleisen was requested to respond to each of the eleven recommendations of this report.

Recommendation number one related to the establishment of a Commission on Correctional Manpower Development in the Human Relations Agency. The Executive Director supported the concept of a corrections commission, suggesting strongly that standards for selection as well as training be established. There will be a legislative team created consisting of the League of California Cities, staff of the Select Committee, a representative of P.O.S.T., Department of Corrections and Youth Authority, the Probation and Parole Association, Correctional Officers' Association, C.S.E.A., C.S.A.C. and the C.C.C.J.

The Executive Director reported that he was of the opinion that this was the total solution to all of the correctional training problems and that P.O.S.T. should work very closely with this team.

Suggestions were also made to the recommendations on revenue resources, salary structure, what would be envisaged in a basic corrections course and the establishment of a separate corrections academy. The academy concept was very strongly opposed because of the astronomical costs involved. It was also suggested that the term "academy" be dropped and "program" be used.

McDermott Case - Bail Bond Assessment

Mr. Williams reported that the Supreme Court had issued its decision on the case of McDermott vs. Superior Court of San Francisco, filed on August 30, 1971, which confirms the Appellate Court's decision as previously reported in the minutes of the September 1971 commission meeting.

In short, the court stated that, regarding criminal charges, requiring the deposit of the penalty assessment is a denial of due process and establishes excessive bail. The Supreme Court ordered an estoppel regarding suits which would seek to obtain recovery of the penalty assessment.

The Deputy Attorney General, who has been handling this litigation, has indicated that a re-hearing will be requested in respect to this one issue of suit against the State to recover alleged illegally assessed penalties. It

will be pointed out at the re-hearing that there are numerous Government Code Sections which, if invoked, are preferable to the estoppel procedure.

It is felt that no problem is presented in terms of loss to the Peace Officer Training Fund as penalty assessments will be collected at a later point in the proceedings.

Mr. Williams stated that the Attorney General had sent out a notice to county clerks which explains the meaning of the decision. The Chairman requested that this notice be included as an appendix to the minutes, Attachment "E".

C.P.O.A. Request to Amend Section 13510 P.C.

The Executive Director stated a request had been received from the Standards and Ethics Committee and Executive Committee of C.P.O. A. that Section 13510 P.C. be amended to include the training of non-sworn employees of police agencies who are performing police tasks as determined by the Commission, and that the control of these categories be with the Commission. He further stated that numerous requests had also been received from police agencies requesting reimbursable training for certain categories of civilian employees. The Peace Officers' Association had further requested that selection standards for these people not be set -- training standards only.

A discussion followed which concerned itself with the development of resultant course outlines and the hours and costs involved. A research document, "Evaluation of Training Needs for Certain Classifications of Civilian Employees Now Working in Police Agencies", Attachment "F", was discussed. The following action was taken:

MOTION by Commissioner Clark, seconded by Commissioner Collins, motion carried that the Commission seek an Attorney General's Opinion as to the legality, under the present law, of P.O.S.T. training for certain categories of civilian employees and reimbursing for this training.

The subject will be considered further at a future commission meeting, following receipt of the Attorney General's Opinion.

FINANCIAL AND BUDGET REPORT

Mr. Townsend and Mr. Brown reported on the informational documents presented to the Commission, Attachment "G", which included:

Quarterly Activity Report and 1971/72 Fiscal Year Summary
Peace Officer Training Fund Condition Estimate
Peace Officer Training Fund Projection Graph

Mr. Brown reported that through the third quarter, reimbursement will have been made to approximately 100 fewer officers in Basic Courses, 150 fewer in Supervisory Courses, and 700 more in Advanced Officer Courses than for the same quarter last year.

PROJECT AND COMMITTEE REPORTS

Project S. T. A. R.

Mr. Townsend reported on Project S. T. A. R. progress to date:

1. The 3rd quarterly S. T. A. R. Project Progress Report, which brought the Project up to date as of January 31, 1972, has been mailed to all Commissioners. This is a concise recap of the activities of the four-month period to date.
2. The Role Perception Survey of Operational Personnel in each of the four states; California, Texas, Michigan and New Jersey, was completed during the month of February. About 4,000 questionnaire documents were accumulated from operational justice personnel. The average length of time to complete the questionnaire was 3.4 hours and involved over 1,000 agencies. Mr. Townsend complimented the S. T. A. R. staff on doing a tremendous job with the difficult task of coordinating approval, getting the survey administered, and getting the results mailed to National Scanning, Inc. (NSI), Columbus, Ohio. Optical scanning was used to process the questionnaire which made a computer-punch tape, the tapes were then placed in the computer at Systems Development Corporation in Santa Monica.
3. The public opinion poll has been completed in California. Copies of the public opinion poll analysis will be provided to the Commission. This will be a 4 to 5 chapter document from the Field Research Corporation in San Francisco.

Mr. Townsend reported that, among many other facts, the poll would show that the public was very concerned with crime as an issue. Sixty-five percent of the persons surveyed had been victimized within the past five years, 40 percent had been victimized within the last year, and almost 80 percent felt they would be victimized within the coming five years. It was also found from the field research reports that when respondents were asked to evaluate the police department that services their area, the largest number of people rated it near the top of the scale in excellence. Teenagers were somewhat less enthusiastic. It was noted that by comparison with other components of the criminal justice system, the police rated highest in public esteem.

A draft of Chapter I, "The Saliience of Crime and Law Enforcement Issues to the Public of California", and II, "Public Attitudes Toward Police in California" have been completed. The chapters remaining are:

III "Public Attitudes Toward Judges and Courts"

IV "Public Attitudes Toward Probation, Parole and Correctional Officers"

V "Public Attitudes Toward District Attorneys and Public Defenders"

The final report will be completed in late April and distribution will be made to all Commissioners.

4. The Futurists Papers have been received. These opinions in an unedited form have been mailed to the Commissioners and others to whom it was felt this information might be of value. These opinions will be merged with the role perceptions questionnaire, the public opinion poll, and the social order projections to determine the overall expectations for roles for the seven operational levels.
5. A preliminary report on social order projections has also been completed. This includes a report from Dr. Herman Case on what the condition of society will be in the next ten years.
6. Actual data analysis to determine the role definitions are coming off the computer at S.D.C. There are many cross references. The identification of police roles is being approached from two different directions: The first through intuitive grouping of clusters, and the second through a factor analysis procedure that allows the computer to go through all the information in the data bank, to group like responses and to define similarities.
7. An advisory group has been established and will be utilized as a resource to interpret material and determine how to arrive at statements of role. An advisory group with job analysis capabilities has also been formed -- these are in addition to the staff and the regular advisory group.

Chairman Fabbri commented that when the Commission receives all the material, it would be analyzed with the thought of suggesting that those people with expertise and capabilities in the field be appointed to the implementation committee.

8. The Project initially was scheduled to terminate its first year on March 31, 1972. In December a request for a two-month grant extension was made to the Law Enforcement Assistance Administration (LEAA) and the C.C.C.J. Verbal notification has been received from L.E.A.A. and C.C.C.J. that approval has been granted for an extension of the first year's grant period to May 31, 1972. The Project's second year budget and objectives have been documented and submitted to the two prime funding agencies, L.E.A.A. and C.C.C.J. The staff has been notified by Jerris Leonard of L.E.A.A. that \$250,000 has been earmarked for second year funding. C.C.C.J. has advised that they have earmarked \$170,000. The Commission will be making a cash contribution of almost \$183,000. \$15,000 funding from each of the three participating states of Michigan, New Jersey and Texas will continue.

Two personnel changes were announced. Otto Saltenberger, consultant in the Education and Training Division, is replacing Gerald Townsend as Project S.T.A.R. Coordinator. Mr. Townsend has been appointed to the position of Assistant Director in charge of the Division of Administration, P.O.S.T.

Also, Mr. Denny Weller, Associate Project Director, is terminating his association with the American Justice Institute to accept a position as Director of the Denver Impact Cities Project effective April 15, 1972.

Mr. Townsend stated that a P.O.S.T. Resolution was required by C.C.C.J. that would indicate that the Commission on P.O.S.T. will execute and submit to C.C.C.J. the application for grant and will provide the required matching funds necessary to Project S.T.A.R.

MOTION by Commissioner Flynn, seconded by Commissioner Seares, motion carried that a resolution be executed and submitted indicating that the Commission on P.O.S.T. will accept the grant and provide the required matching funds for Project S.T.A.R. in the second year of operation. (Attachment "H")

Chairman Fabbri proposed a resolution on behalf of Jerry Townsend, commending him for his efforts, dedication, outstanding work and effectiveness on Project S.T.A.R. The Executive Director supported this resolution on behalf of the S.T.A.R. staff.

P.O.S.T. ADVISORY COMMITTEE REPORT

Mr. Townsend reported that the Advisory Committee had met on March 10, 1972. The Advisory Committee is eager to continue taking an active part in P.O.S.T. activities. There are a number of vacancies to be filled in June of this year: Two lay member vacancies, a representative each from C.A.P.T.O., the

California Sheriffs' Association, C.A.A.J.E., P.O.R.A.C., and a student representative. The staff recommended some incumbents be considered for reappointment. Suggestions for Advisory Committee membership replacements were solicited.

At the last meeting, the Community-Police Relations Leadership Training Program was reviewed. San Jose State program is currently in progress with 17 students enrolled. The reports are excellent. There have been no problems with communication, reporting, or objectives. U.C.L.A. is scheduled for a fourth presentation starting April 9 for a seven-week presentation. The U.C.L.A. program will require additional funds in order to present the fourth class. The Advisory Committee recommended that, if it is possible, the needed budget augmentation of \$20,000 should be approved.

MOTION by Commissioner Flynn, seconded by Commissioner Seares, motion carried to authorize the Chairman to approve an additional augmentation of \$20,000 for the fourth Community-Police Relations Training Program presentation at U. C. L. A.

Mr Townsend further reported that San Diego State had submitted another proposal to participate in the C. P. R. L. T. P. The revised format had been approved by the Advisory Committee, but there is no plan at this time for San Diego State to put on another course this year.

Continued funding of these courses under Plan B is being considered by staff. It will be studied and a recommendation will be made at a later date.

It was felt that many agencies were not participating in this highly commendable training program because of budget constraints. The Executive Director felt that the P. O. S. T. staff and the C. C. C. J. Task Force should explore a possibility of minimizing the cost of this course under a regional concept so that more of the course cost could be born by the community colleges.

Commissioner Flynn stated he felt the Commission has an obligation to report some of the results of the Community-Police Leadership Training Program. The general public attitude is that law enforcement isn't doing anything about the community-police relations problems. The Executive Director stated a report is being prepared in which some of results will be concisely high lighted.

Mr. Townsend stated that one of the charges to the U. C. L. A. program was to provide a critique, and seminars were provided to examine what had occurred. Additionally, a model curriculum for community-police relations training had developed from this program.

Mr. Townsend further reported that it had been stressed to the Advisory Committee that there was a necessity for formal and informal report-back

procedures to the agencies they represent. It was recommended that they be very active informing their groups about P. O. S. T. programs.

A report on the Minority Recruitment Project was presented to the Advisory Committee. The Department of Finance and the legislative analyst have approved a \$85,000 expenditure of a one-year program for Fiscal Year 1972-73. He also stated that the Minority Recruitment Project could get under way this fiscal year as some salary savings could be utilized for this purpose.

The Executive Director stated it was felt that a time limitation of one year on the Minority Recruitment Project would make it difficult to recruit, and it is hoped that a special three-year augmentation can be made.

The last item of business was a staff suggestion that the California Highway Patrol have representation on the Advisory Committee. The Chairman directed staff to correspond with C. H. P. Commissioner, Harold Sullivan, to request that a member of his staff be designated to represent the Commissioner on the P. O. S. T. Advisory Committee.

OLD/NEW BUSINESS

Office Space

Mr. Brown reported that subsequent to the last Commission meeting, it had been learned that the space at the CII location, which was to be reserved for future P. O. S. T. expansion, was not available. This would mean the \$250,000 which was to have been spent on renovations would be spent on inadequate space. Therefore, that location is no longer under consideration. General Services is presently advertising for more suitable space to be used for P. O. S. T. headquarters.

Salaries

The Executive Director reported that since the last Commission meeting, he had talked with two members of the Governor's Office on four occasions, and had been advised that the Attorney General would present the P. O. S. T. salary compaction problem to the Governor during a meeting that is scheduled within the next few weeks. A concise statement will be prepared for presentation. There are presently four salaried positions within the Department of Justice with a significantly higher salary level than that of the P. O. S. T. Executive Director.

P. O. S. T. Reorganization

The Executive Director reported that in accordance with past approval of the

Commission, four divisions are being formed within P.O.S.T.:

Division of Administration	- G. E. Townsend, Assistant Director
Division of Education and Training	- C. R. Ball, Assistant Director
Division of Technical Services	- E. M. Toothman, Assistant Director
Division of Police Standards	- B. W. Koch, Assistant Director

Below the assistant director level, will be bureau chiefs. The reorganized P.O.S.T. Personnel Chart will be presented at the next Commission meeting in June.

Compensation for Commissioners

Mr. Brown presented a research document, that will be retained in the Commission files, regarding the subject of compensation for Commissioners. This document stated, in part, ". . . Compensation is provided where the qualifications for board or commission membership indicate professional, business, or public representation. Conversely, where qualifications for membership depend on public office or position, compensation is usually not provided."

MOTION by Commissioner Seares, seconded by Commissioner Cash, motion carried, that this item not be pursued further.

Marshals - Municipal Courts, Los Angeles County

The Executive Director stated that a letter had been received from the Marshal of Los Angeles County which stated it was felt that it was in the purview of P.O.S.T., by administrative action, to include the Marshals - Municipal Courts, Los Angeles County, in the P.O.S.T. reimbursement program. In responding correspondence dated March 15, 1972, from the Executive Director of P.O.S.T., it was stated:

"The Commission is not legally authorized to include, for reimbursement, any agencies other than those specified in 13510 P.C. Should additional agencies be included in the reimbursement program in the future, it would be necessary to reduce reimbursements proportionately due to the large number of specialized agencies participating in the Specialized Certification Program. If reimbursement were authorized for all 42 categories of peace officer, the fund would be depleted in one year unless new funding sources could be found."

The Executive Director stated that at a future meeting the question of the training of the judicial process categories, i.e., marshals, court attaches, district attorneys, city prosecutors and defense counselors, should be discussed in depth.

District Attorneys Request for Reimbursement

Mr. Townsend reported that Keith Sorenson, District Attorney, San Mateo County, had appeared before the Law and Legislative Committee of C. P. O. A., and made a presentation requesting inclusion in the P. O. S. T. Reimbursement Training Program. The C. P. O. A. had indicated they would not currently support any such legislation based on P. O. S. T.'s opposition and the opposition shown by the police representation at that meeting. However, Mr. Sorenson and the District Attorney Investigators' Association are proceeding to attempt to introduce a bill this session that would allow reimbursement from the Peace Officer Training Fund for training of District Attorney personnel.

It was the consensus of the Commission that this legislation should be opposed on the basis that these funds are programmed for the training of front-line peace officers for which the program was designed.

DATE AND PLACE OF NEXT MEETING

As was requested at the December 9, 1971, Commission meeting, a suggested annual meeting calendar was presented. Following discussion, the Commission requested future meetings to be scheduled on the third Thursday of every third month, meeting length to be one full day on Thursday and one-half day on Friday, or a full day on Friday as necessary.

Although there will be a brief Commission meeting following the May 24 Hearing, at which time formal action will be taken on the hearing items, future Commission meetings are scheduled as follows:

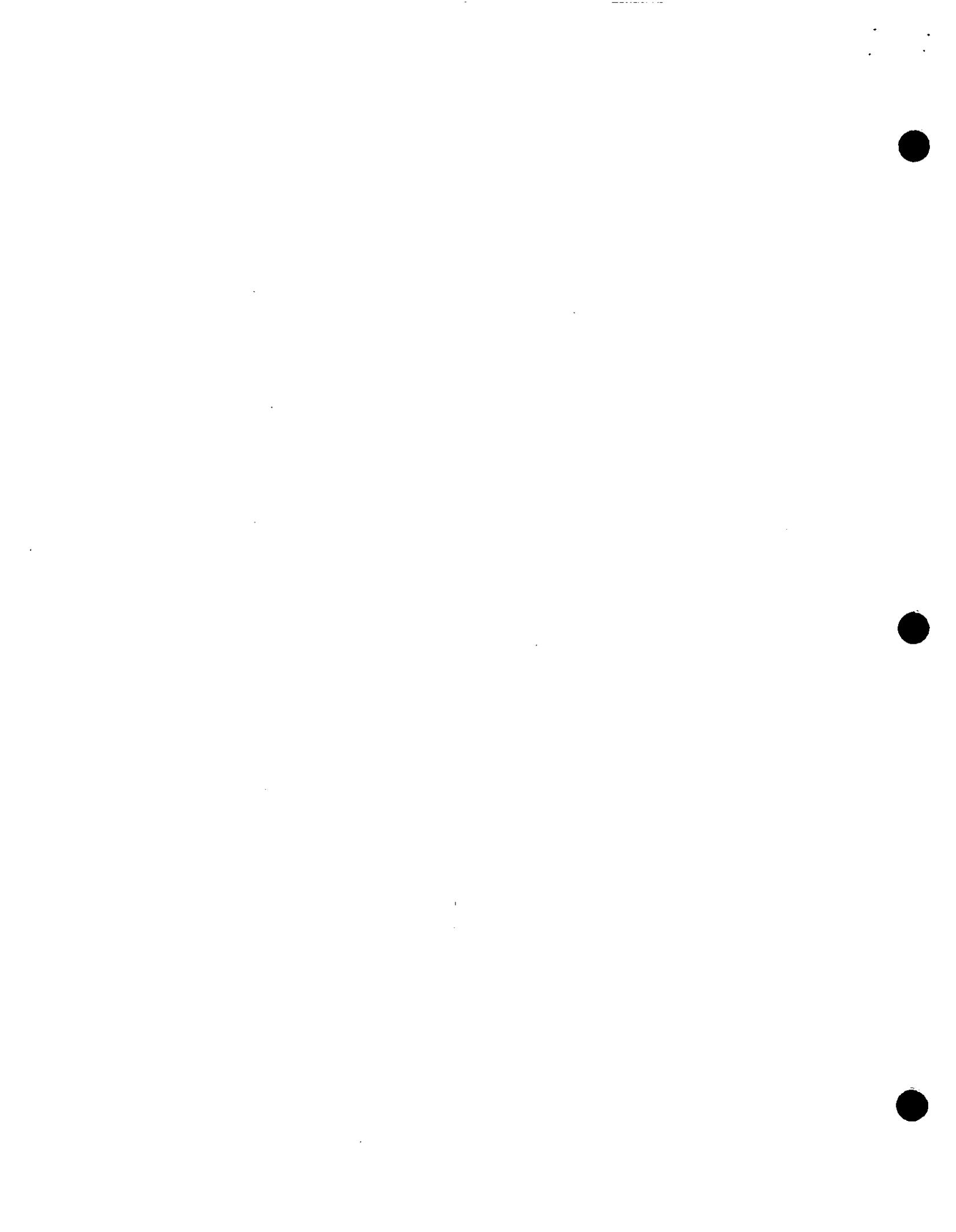
June 15-16, 1972	Northern California
September 14-15 (or 21-22)	Southern California
December 14-15	Northern California

ADJOURNMENT

The formal meeting was adjourned at 12:15 p. m. An executive session was called for discussion of confidential personnel matters concerning the Commission.

Respectfully submitted,


 GENE S. MUEHLEISEN
 Executive Director



MEMORANDUM

To: Gene S. Muehleisen
Executive Director
Commission on P.O.S.T.

Date: March 13, 1972

From: Division of Education and Training, P.O.S.T.

Subject: COURSE CERTIFICATION AGENDA, MARCH 24, 1972.

ADVANCED OFFICER COURSE

	<u>Hours</u>	<u>Certification Recommended</u>	<u>Reimbursement Recommended</u>
Allan Hancock College	40	Yes	D
Chabot College	24	Yes (Retro. 3/14/72)	D
Diablo Valley College	24	Yes (Retro. 2/7/72)	D
Santa Barbara City College	25	Yes	D
Shasta College	40	Yes	D

TECHNICAL/SPECIAL COURSES

El Camino College	Motorcycle Training	80	Yes	A
I.A.C.P.	Bomb Scene Officer Training Course	32	No	N/A
San Mateo, College of	Community-Police Relations	54	Yes (Eff. 9/1/72)	A

Gene S. Muehleisen

March 13, 1972

CONTINUE CERTIFICATION

	<u>Hours</u>	<u>Certification Recommended</u>	<u>Reimbursement Recommended</u>
Cal-State Long Beach Organizational Development Seminar for Police Agencies	24	Yes	C (\$1,500/agency) (Prev. Plan B)
Cal-State Los Angeles Middle Management Seminar	24	Yes	B

REIMBURSEMENT CHANGE

Cal-State Los Angeles TV Instruction Techniques Institute	116	Yes	B (Prev. Plan C - \$1,000/officer)
Univ. Calif. @ Davis Total Immersion Spanish	182	Yes	B (Prev. Plan C - \$1,000/officer)

DECERTIFICATION

San Diego State College Middle Management Course	100	No	N/A
J. F. Kennedy Executive Development Seminar		No	N/A

SPECIAL REQUEST

Name Change - South Gate Police Academy Advanced Officer Course to Cerritos College Advanced Officer Course	Yes	D
---	-----	---

Carl

CARL R. BALL
Assistant Director
Education & Training

Reimbursement Plans

Plan A: 50% salary, 50% meals and lodging.
 Plan B: 100% tuition, 100% meals and lodging, travel.
 Plan C: Fixed sum as determined by Commission.
 Plan D: 100% salary, 100% meals and lodging.

RECOMMENDATIONS WITH COMMISSION ACTIONS

P.O.S.T. Commission Meeting March 24, 1972

1. It is recommended that the P.O.S.T. Commission, through its staff, serve as a primary advisory resource to the California Council on Criminal Justice on the development and use of regional criminal justice training centers.

Commission Action: Accepted as submitted.

2. It is recommended that the Commission authorize proceedings to include reimbursement for certain civilian law enforcement personnel, to be individually designated by the Commission, by amending Section 1015 of the Regulations.

Commission Action: The staff was instructed to seek an Attorney General's opinion as to whether implementation would necessitate an amendment in the law or only a change in the P.O.S.T. Regulations.

3. It is recommended that a system be developed to compare claims with class rosters so that agencies might be advised that they have failed to submit an authorized claim for reimbursement.

Commission Action: It was the sense of the Commission that this is acceptable if it increases effectiveness and there is no increase in cost.

4. It is recommended that the basic courses at Berkeley, South Gate and Alhambra be decertified with one year's notice.

Commission Action: Accepted as submitted.

5. It is recommended that any immediate expansion of the basic course include the following 26 hours; baton training - 8 hours; chemical agents - 8 hours; credit cards and crime - 4 hours; problems of the deaf - 1 hour; medic-alert - 1 hour; fire services - 4 hours.

Commission Action: Accepted with the deletion of specific hours.

6. It is recommended that the Commission authorize staff to develop the basic course to 400 hours based on a universally required core, an additional block differentiated for rural and urban departments and a block of electives to accommodate differing local peculiarities.

Commission Action: Staff was instructed to work through the P.O.S.T. Advisory Committee for implementation of this recommendation.

7. It is recommended that the Commission authorize proceedings to amend the Specification 7 to require that all advanced officer courses include a minimum of 8 hours on the following subjects:

1. Recent court decisions
2. New law and changes in statutes
3. Arrest, search and seizure refresher
4. Community-police relations

Commission Action: Accepted with the provision that the specific hours be deleted.

8. It is recommended that the Commission encourage concerned schools to present certified supervisory courses in institute formats not to exceed 30 days in length.

Commission Action: Staff was instructed to research the advantages and disadvantages of the intensive and semester-length courses, and resubmit.

9. It is recommended that the number of certified supervisory courses be maintained at the present number until future training requirements necessitate expansion.

Commission Action: Accepted as submitted.

10. It is recommended that a new course category, Supervisory Seminars, be created.

Commission Action: Accepted as submitted in concurrence with approved P.O.S.T. Regulation changes.

11. It is recommended that the supervisory course curriculum be thoroughly researched to determine the feasibility and desirability of combining the Supervisory and the Techniques of Teaching Courses; or to establish optimum coordination between the two courses.

Commission Action: Accepted as submitted.

12. It is recommended that the Commission consider one of three alternatives stated for financing middle management courses.

Commission Action: The Commission selected the following method:

1. Enrollment and revenue could be coordinated by P.O.S.T. as follows:

- a. An optimum class size, within a very narrow range, should be established by the Commission -- say 20-25 students.
- b. Each certified institution should be required to submit a detailed budget, based on this class size, on a P.O.S.T. budget form.
- c. Each budget should be carefully reviewed by P.O.S.T. staff and justification for wide variations should be established or they should be eliminated.
- d. A regular yearly schedule of presentations should be prepared by each institution and publicized by P.O.S.T. in a master schedule. P.O.S.T. staff should assist in scheduling coordination and forecasting.
- e. Each institution should report to P.O.S.T. any over-enrollment and under-enrollment and P.O.S.T. will assist in arranging for even distribution of enrollment.

13. It is recommended that Specification 11, Section B, Paragraph 2, be changed to read:

Department heads, assistant department heads, and middle managers, as defined in Section 1001 (e), are eligible for the middle management course and seminars. Those officers designated by their department head may attend middle management seminars.

Commission Action: Withdrawn -- to be covered by July 1, 1972 Regulation change.

14. It is recommended that the number of certified Executive Development Courses be held constant until participation increases beyond present capacity.

Commission Action: Accepted as submitted.

15. It is recommended that the Commission request time in each Executive Development Course for instruction by an Administrative Counseling Consultant on the subject of organization and information systems.

Commission Action: Accepted as submitted but to include middle management courses.

16. It is recommended that executive development seminars remain at five until participation indicates a need for expansion.

Commission Action: Accepted as submitted.

17. It is recommended that the moratorium on certification of new courses be terminated. It is further recommended that the Commission consider requests for certification of courses in the 15 listed jobs only when curricula have been developed, either by P.O.S.T. staff or by other concerned persons or institutions, through a valid and systematic process and where implementation will conform to the recommended geographic pattern.

Commission Action: Accepted as submitted.

18. It is recommended that the Commission consider requests for certification of technical or special courses not specifically related to the 15 jobs only upon demonstrated need and only where active participation by law enforcement agencies is indicated.

Commission Action: Accepted as submitted.

19. It is recommended that the Commission authorize staff to take a more aggressive role in arranging chronological coordination of all P.O.S.T. training programs.

Commission Action: Staff was directed to establish more communication with the Board of Governors of the Community Colleges, to encourage them to set census dates 18 months in advance and to schedule four per year.

P. C. 832 CURRICULUM

PROPOSED

PEACE OFFICER ORIENTATION COURSE

	<u>HOURS</u>
A. INTRODUCTION	
1. Orientation	1
2. Ethics	2
B. DISCRETIONARY DECISION-MAKING	2
C. ARREST, SEARCH AND SEIZURE	
1. Laws of Arrest, Search and Seizure	16
2. Methods of Arrest	4
D. FIREARMS	
1. Moral Aspects, Legal Aspects and Policy	4
2. Range	8
3. Safety Aspects of Firearms (First Aid)	2
E. EXAMINATION	<u>1</u>
	40



PROPOSED CHANGES

1001. Definitions (continued)

(k) No Change.

(l) No Change.

(m) No Change.

(n) No Change.

(1) No Change.

(2) No Change.

(3) No Change.

(4) No Change.

Add

(o) "Certified Course" is a formalized program of instruction approved by the Commission. Criteria for approval include a demonstrated need, and compliance with minimum standards for curriculum, instructors, facilities and instructional quality. Categories of certified courses for which reimbursement may be paid are prescribed in Section 1005 of these Regulations.

Add

(p) "Lateral Entry or Transfer"

For purposes of these Regulations (Section 1003. (a)):

Lateral entry refers to employment as an officer based upon special qualifications but without prior law enforcement experience.

Lateral transfer refers to the appointment of an officer whose employment is based upon special qualifications and experience within the law enforcement field.

Lateral entrance requires notification from the hiring agency as outlined in Section 1003 (a) of the Regulations.

1002 MINIMUM STANDARDS FOR EMPLOYMENT

(a) Every officer employed by a department shall:

Delete

~~(1) --- Be a citizen of the United States.~~

PROPOSED CHANGES

1002 Minimum Standards for Employment (continued)

Delete ~~(2) --- Be at least 21 years of age.~~

Amend ~~(3)~~
(1) No Change.

Amend ~~(4) -~~
(2) No Change.

Amend ~~(5) -~~
(3) No Change.

Amend ~~(6)~~
(4) Be a high school graduate or have passed ~~the~~ a General Education Development test ~~indicating high school graduation level~~ with an overall score of not less than 45, and a standard score of not less than 35 on any section of the test, as established by the American Council on Education, or have attained a score on a written test of mental ability approved by the Commission and equivalent to that attained by the average high school ~~student~~ graduate.

Amend ~~(7)~~
(5) No Change.

Amend ~~(8)~~
(6) No Change.

Amend ~~(9)~~
(7) No Change.

PROPOSED CHANGES

1002. Minimum Standards for Employment (continued)

(b) No Change.

1003. MINIMUM STANDARDS FOR LATERAL ENTRY OR TRANSFER

Delete

~~(a) The vision requirement set forth in Specification 2-entitled "Physical Examination" of these Regulations may be waived for persons who are employed at any peace officer rank by a department and who possess a Basic, Intermediate, or Advanced Certificate awarded by the Commission.~~

~~In all other cases of lateral entry or transfer, the Commission may waive the vision requirement upon written application for such waiver from the employing jurisdiction.~~

Amend

~~(e)~~

(a)

Whenever an officer of any rank enters a department laterally by lateral entry or transfer, the department shall forward to the Commission within 30 days of from the date of his appointment, his full name, date of birth, date of appointment, and a summary of the subject's past experience, training and education, a notice of lateral entrant on a form provided by the Commission.

Amend

(b)

All ~~other~~ requirements of Section 1002 of the Regulations shall apply in each and every case of lateral entry or transfer, regardless of the rank to which the subject is appointed, unless waived by the Commission.

1004. PROBATIONARY PERIOD

(a) No Change.

1005. MINIMUM STANDARDS FOR TRAINING

Delete

~~(a) - - - Pre-service-College-Training -~~

Delete

~~(1)-~~

Delete

~~(A)~~

Delete

~~(B)~~

Delete

~~(C)~~

Delete

~~1r~~

Delete

~~2r~~

Delete

~~(2)-~~

Delete

~~(3)-~~

Delete

~~(4)-~~

Amend

~~(b)-~~

(a)

Basic Course

(1) No Change.

Amend

(2) Each and every trainee must satisfactorily complete the prescribed Basic Course within 18- 12 months from the date of his appointment as a regularly employed officer.

Amend

~~(c)-~~

(b)

Supervisory Course

(1) No Change.

PROPOSED CHANGES

1005. Minimum Standards for Training (continued)

(2) No Change.

(3) No Change.

(4) No Change.

Amend

(d)

(c)

Middle Management Course

- (1) ~~The Middle Management Course shall be optional until~~ After, July 1, 1971, at which time each and every officer promoted, appointed or transferred to a middle management position shall have satisfactorily completed the prescribed Middle Management Course within 18 months after his initial promotion, appointment or transfer. This section applies to officers promoted or transferred to a middle management position within a department and to officers employed from outside a department and appointed to a middle management position without having completed the prescribed course.

PROPOSED CHANGES

1005. Minimum Standards for Training (continued)

(2) No Change.

(3) No Change.

Amend

{e}

(d)

Advanced Officer Course

(1) No Change.

Amend

(2) The above requirement may be met by satisfactory completion of any reimbursable P.O.S.T. certified courses of 20 or more hours.

Amend

{2}

(3)

Reimbursement for the Advanced Officer Course is provided as set forth in Specification 11, "Reimbursement Schedule", paragraph A.3.c.

Amend

{f}-

(e)

Executive Development Courses

Executive Development Courses are optional and are restricted to designed for department heads and assistant department heads unless prior approval for reimbursement of other ranks is granted by the Commission. The requirements are set forth in Specification 6 entitled, "Executive Development Courses."

PROPOSED CHANGES

Minimum Standards for Training (continued)

Amend

~~(g)~~
(f)

Technical and Special Courses

Amend

~~(1)~~ Technical and Special Courses shall be optional courses for which reimbursement may be granted are described in Specification 8 and are optional.

Delete

~~(2) --- The requirements for the Technical and Special Courses are set forth in Specification 8 entitled "Technical and Special Course."~~

Amend

~~(h)~~
(g)

Seminars

Amend

Seminars are described in Specification 13. They are optional and are designed to study and solve current and future problems encountered by middle managers and executives. law enforcement personnel and their agencies. Seminar techniques shall take into consideration the size, location and needs of cities and counties. Seminars are optional and are reimbursable as specified in Specification 11B. Attendance to seminars may be repeated periodically as approved by the Commission.
No seminar shall be certified that is of less than 18 hours duration.

1006. EXTENSION OF TIME LIMIT FOR COURSE COMPLETION

No Change.

1007. EXAMINATIONS

No Change.

1008. WAIVER FOR EQUIVALENT TRAINING

No Change.

PROPOSED CHANGES

1009. PRIORITY FOR REIMBURSEMENT

Amend

Reimbursement for ~~completion~~ of courses shall be paid in the following priorities, depending upon funds available:

Amend

Add

- (1) Basic and Supervisory Courses
- (2) Advanced Officer and Middle Management Courses
- (3) Executive Development Courses ~~and Executive Development and Middle Management Seminars~~
- (4) Technical and Special Courses
- (5) Seminars

1010. ELIGIBILITY FOR REIMBURSEMENT

(a) No Change.

(1) No Change.

(2) No Change.

Amend

(3) Has in its employ any officer hired after January 1, 1971, ~~who does not acquire a P.O.S.T. Basic Certificate upon fulfilling the requirements.~~ who has not acquired a P.O.S.T. Basic Certificate within six months after date of completion of his probationary period.

(b) No Change.

PROPOSED CHANGES

1015. Reimbursements (continued)

No Change.

Amend

(b) Claim for Reimbursement

~~The employing jurisdiction shall complete and forward the "Claim for Reimbursement", - P. O. S. T. Form 1-3, and accompanying forms to the Commission~~
Claims must be forwarded on forms provided by the Commission no later than fourteen days after the completion of the a certified course.

Amend

(c) Trainees May Be Claimed Only Once

An officer who has successfully completed a course certified by the Commission and for whom reimbursement has been legally claimed or paid may not again be claimed for reimbursement for repetition of the same course regardless of transfer or re-employment by another department, unless the course is designed authorized to be repeated periodically, such as ~~Advanced Officer Courses or Executive Development Seminars~~ Seminars or Advanced Officer Courses.

(d) Reimbursement Limited to Actual Expenses

No Change.

(e) No Change.

PROPOSED SPECIFICATION 2

July 1, 1972

Subject: PHYSICAL EXAMINATION

No Change.

REQUIREMENTS:

1. Medical Examination

Amend

The medical examination shall ~~have be~~ been given by a licensed physician and surgeon within 30 days of hire.

2. No Change.

3. Vision and Hearing

Amend

~~The applicant shall possess normal hearing, normal color vision and visual functions as determined by the appointing authority. -- Each eye must be free of any abnormal condition or disease which in the opinion of the appointing authority might adversely affect performance of duty. - He must possess visual acuity of not less than 20/100 vision in each eye without correction and corrected to no less than 20/30 in each eye. -~~ The hiring authority shall establish minimum standards for hearing, color vision and visual acuity.

4. Physician's Findings and Record

No Change.

PROPOSED CHANGES

Specification 9

Certificates

G. THE MANAGEMENT CERTIFICATE

No Change.

1. No Change.

2. No Change.

3. No Change.

Amend

4. For a period of two years ~~immediately preceding the date of application~~ shall have served satisfactorily as a department head, assistant department head, or as a middle manager as defined in Sections 1001 (c), (d) and (e) of the Regulations. The required experience shall have been acquired within ~~the past five years from~~ prior to date of application.

5. No Change.

H. THE EXECUTIVE CERTIFICATE

No Change.

PROPOSED CHANGES

Specification 9

Certificates

The Executive Certificate (continued)

2. No Change

Delete

~~For a period of one year beginning July 1, 1971, experience as a department head may be substituted for this requirement at a rate of one year of experience as a department head shall equal 10 college semester units.~~

3. No Change.

Amend

4. For a period of two years immediately preceding the ~~date of application,~~ shall have served satisfactorily as a department head as defined in Section 1001 (c) of the Regulations. The required experience shall have been acquired within ~~the past~~ five years ~~from~~ prior to date of application.

5. No Change.

PROPOSED CHANGES

Specification 11 Reimbursements

Amend

b. Where no lodging and meals are provided as in paragraph a. above, the maximum reimbursement for lodging and meals shall be based upon 100% of the actual costs but in no case more than the current rate for lodging and meals granted state employees under the regulations of the California State Board of Control. \$24 per day.

3. Salary Reimbursement:

Reimbursement for salary shall be based upon the following hours of training:

a. No Change.

b. No Change.

Amend

c. Advanced Officer Course: Minimum hours required for certification = 20; maximum hours for reimbursement in each fiscal year = 40 hours per officer ~~for officers below the first level of supervision only,~~ regardless of rank, but not to exceed 25% of the sworn personnel in agencies employing four or more sworn personnel on July 1 of the preceding fiscal year. In cases where the course taken averages less than 40 hours per officer, a proportionate increase in the percentage of personnel may be added to the eligible total, e. g., 20 hours per officer for 50% of total personnel. Reimbursed in 2-hour increments in excess of 20.

Amend

B. MIDDLE MANAGEMENT AND EXECUTIVE DEVELOPMENT COURSES AND SEMINARS

Reimbursements for the Middle Management and Executive Development Courses ~~and Seminars~~ shall be granted for travel, per diem, and tuition. Only department heads and assistant department heads, as defined in Sections 1001 (c) and (d) of the Regulations, are eligible for the Executive Development Courses. ~~and Seminars~~

PROPOSED CHANGES

Specification 11

Reimbursements

3. Daily Travel and Subsistence Expenses:

Reimbursement for trainees who commute daily from their homes to the course site shall be limited to actual travel and subsistence expenses at the rate of \$1 per hour up to but not exceeding \$12 per day.

4. Tuition:

The amount allowed for tuition shall be determined by the Commission for each course or seminar. It is the intent of the Commission to reimburse for the full tuition cost when the tuition is deemed reasonable and when adequate funds are available to cover such costs.

Amend

C. SEMINARS AND TECHNICAL AND SPECIAL COURSES

Because of the varying nature of seminars and technical and special courses, the amount and type of reimbursement allowed for each course will be determined and announced separately by the Commission.

D. PRIORITY FOR REIMBURSEMENT

Section 1009 of the Regulations provides that:

Amend

"Reimbursement for ~~completion of~~ courses shall be paid in the following priorities, depending upon funds available:

Amend

- (1) Basic and Supervisory Courses
- (2) Advanced Officer and Middle Management Courses
- (3) Executive Development Courses ~~and Executive Development and Middle Management Seminars~~
- (4) Technical and Special Courses
- (5) Seminars "

Add

PROPOSED CHANGES

(pg. # of current Regs. 5)

Specification 11

Reimbursements (Continued)

E. REIMBURSEMENT PLANS

PLAN A

Salary Allowance

Delete

~~50% of salary at the rate earned on the starting day up to the authorized length of the course will be allowed, - e. g., - - Juvenile Officer's Course, - G. Y. A., - 51 hours, -~~

Add

Reimbursement for satisfactory completion of certified courses shall be 50% of the trainee's salary at straight hourly working time for the total maximum hours for which reimbursement is allowed.

Add

Salary is that pay rate actually received by the trainee on the starting date of the course.

Subsistence Allowance

Amend

50% of the cost of meals and lodging shall be allowed if the trainee is required to reside overnight away from his residence. ~~Lunches are not reimbursable, - 50% of the actual cost of meals and lodging may be claimed at the rate charged by the school or college.~~ In all cases, 50% of the actual cost claimed for meals and lodging shall not exceed that ~~allowed in State Board of Control Rules for state employees.~~ \$12 per day.

PLAN B

No Change.

PROPOSED CHANGES

Specification 11

Reimbursements (Continued)

E. REIMBURSEMENT PLANS

PLAN D

Salary Allowance

No Change.

Subsistence Allowance

Amend

100% of the cost of meals and lodging shall be allowed if the trainee is required to reside overnight away from his residence. ~~Lunches are not reimbursable. 100% of the actual cost of meals and lodging may be claimed at the rate charged by the school or college.~~ In all cases, 100% of the actual cost claimed for meals and lodging shall not exceed that allowed in State Board of Control Rules for state employees. \$24 per day. No travel or tuition allowance is made under this plan.



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

ROOM 500, WELLS FARGO BANK BUILDING
FIFTH STREET AND CAPITOL MALL, SACRAMENTO 95814

March 3, 1972

TO: Judges of the Superior Courts,
Municipal Courts and Justice Courts
State of California

SUBJECT: McDermott v. Superior Court
California Supreme Court No. 22844
Filed February 25, 1972

In the above case, the California Supreme Court held that the plain language of section 13521 requires the deposit of a penalty assessment in addition to the amount of bail set in accordance with Penal Code section 1275 as reasonable bail. This additional amount was found, therefore, to be excessive bail prohibited by Article I, section 6 of the California Constitution. Thus, the imposition of an additional penalty assessment in excess of the amount determined by the court to be reasonable cannot be imposed when bail is set to insure the presence of the defendant at trial.

The court noted that in some bail schedules and in some counties the penalty assessment was considered in the setting of bail and was included in it. In such cases there has been no constitutional violation because section 13521 was not literally followed. The Court neither condoned nor condemned this practice.

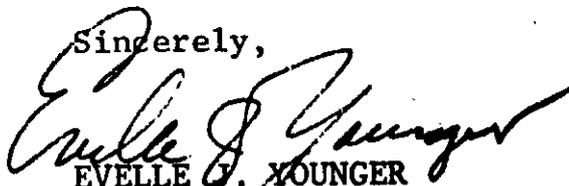
The opinion makes it clear that the holding of the opinion does not apply to the posting of funds and penalties, whether called "bail" or not, for purposes other than insuring an accused's appearance in court. Thus, this opinion does not apply to the common instance of posting funds for traffic offenses in any case where the accused may forfeit the deposit in lieu of appearing, whether the funds are deposited before or after the decision to forfeit is made. In these cases, both bail and penalty assessment are proper.

March 3, 1972

The Court also indicated that traffic offenses were not the only instance where such deposit of funds would be appropriate. For example, in many counties minor misdemeanors are handled in somewhat the same way as traffic offenses. If this is the case, and "bail" is posted with the understanding, expectation, or practice that it is set, not to insure appearance, but to serve as a "fine" if the defendant does not appear, then the opinion sanctions the continued practice of adding a penalty assessment to this "bail".

We are presently drafting some legislative changes to eliminate the problems raised by the decision. If problems develop or questions arise which are not answered by the opinion or this letter, please let us know. We would also welcome suggestions for legislation.

Sincerely,



EVELLE J. YOUNGER
Attorney General

Enclosure.

cc: All District Attorneys

Evaluation of Training Needs for Certain Classifications of Civilian
Employees Now Working in Police Agencies

A "civilian" police employee is one who does not have the authority and power of arrest as does a peace officer. Listed below are categories or types of functions to which civilian employees are commonly assigned.

1. Criminalist
2. Community Service Officer
3. Complaint-Dispatcher
4. Identification (fingerprint) Technician
5. Polygraph Examiner
6. Jailer and Matron
7. Traffic Direction and Control
8. Parking Control

Criminalist

A criminalist in police work may be a civilian holding a degree(s) in the field of criminalistics, physics or chemistry. He is highly trained and an expert in his field. He devotes his time to the gathering, preserving and analysis of evidence relating to crime. He prepares such evidence for court, and often testifies in court as an expert on such matters. Because of his professional background, the criminalist does not ordinarily require pre-service training. POST should, however, reimburse for periodic technical retraining and for seminars. (40 hours per year)

Community Service Officer

The work of the Community Service Officer includes many duties now being performed by the sworn officer, that do not require the authority of a police officer. The scope of the CSO's duties and responsibilities is such that he should receive the same basic training as the sworn officer. (200-400 hours)

Civilian Complaint-Dispatcher

A civilian complaint-dispatcher is assigned to the communications function of the police agency. His duties require that he receive citizen complaints or calls for police service, dispatch police officers and auxiliary units to points of need; maintain status board and other control records. His position makes it necessary for him to exercise some delegated supervisory authority over officers in the field. A complaint-dispatcher employee may devote all or part time to either the complaint or the dispatch function.

The nature of the complaint-dispatcher's work is such that he should have a broad knowledge and in-depth understanding of the police officers role and be grounded in the elements of criminal, traffic and juvenile law, and the operations of the courts; as well as departmental policy and procedures.

In addition to a substantial training period, the complaint-dispatcher should spend some time in the field, riding with the officers to get a better understanding of the problems and situations that the officers encounter. It is also advisable that the complaint-dispatcher make one or more one-day field trips to other departments that have good communications systems. (120 to 160 hours of training)

Identification (Fingerprint) Technician

An identification (fingerprint) technician is assigned to fingerprint identification work, which entails:

1. Rolling, classifying, filing and searching fingerprint cards of criminals and civilians.
2. Assigning personal identification numbers.
3. Maintaining "rap sheets"(criminal histories) of arrested persons and other related files.

The fingerprint technician should also be qualified in photography work, which includes photographing prisoners, developing and printing of pictures, and mixing and maintaining dark room solutions used in photography work.

The function described for a fingerprint technician does not include the duties of the field identification officer who is responsible for the recovery and preservation of physical evidence at crime scenes. (40 to 80 hours of training in fingerprints; 40 to 100 hours of training in photography)

Polygraph Examiner

In order to qualify as a polygraph examiner one should have a good understanding of psychology and physiology. He should be an intelligent person with a good education, a genuine interest in people and a practical understanding of human nature.

The selection, training and developing of a man into a qualified polygraph examiner is a long process. A minimum training period of six months under a qualified instructor is necessary, followed with extensive practice over a considerable period of time. Finally, the true success of an examiner depends on his intelligence, character, and personality. (six months training)

Jailer and Matron

The use of civilians as jailers and matrons has proven to be successful in many departments. It reduces training and salary costs and tends to stabilize jail personnel movement.

POST is now planning to reimburse police and sheriff departments for jail training courses. (40 hours for jailer and matron. Additional hours for jail management.)

Traffic Direction and Control

Several larger police agencies are using civilians to direct and control the movement of traffic; for example, Los Angeles Police Department now has 91 civilians assigned to traffic control. (24-40 hours training)

Parking Control

The practice is well established the civilians serve in parking meter enforcement. (40 hours training)

The following are functional categories of civilian personnel employed by local law enforcement agencies, estimated numbers, and suggested hours of training:

<u>Personnel Category</u>	<u>Estimated Number</u>	<u>Suggested hours of training</u>
Criminalist	70	40
Community Service Officer	100	200-400
Complaint-Dispatcher	2,000	120-160
Fingerprint Technician	315	40-80
Polygraph Examiner	30	six month
Jailer and Matron	850	40
Traffic Direction and Control	250	40
Parking Control	<u>800</u>	40
Total	4, 415	

The civilian personnel discussed here make up approximately 8% of the total personnel in California police agencies.

The factor that is common to all of these civilian jobs described is that they have traditionally been performed by police officers. Each is an integral and essential part of the overall police function. In recent years many police agencies have been gradually replacing sworn officers with civilian employees, however, the transition is not yet complete; for example, it is estimated that there are still approximately 3,300 sworn sheriffs' personnel assigned as jailers.

The training now given to this civilian segment of the police consists primarily of on-the-job training. As such, it falls far short of the need.

It is a staff recommendation that the Commission initiate appropriate action to amend the present statute (Penal Code 13510) to allow for reimbursement for the training of civilian personnel in police and sheriffs' departments who are engaged in specialized police tasks that are unique and essential to the overall accomplishment of the police mission.



Memorandum

To : Mr. Fravel S. Brown
Administrative Services Officer

Date : January 19, 1972

Claims Audit Unit
From : **Commission on Peace Officer Standards and Training**

Subject: QUARTERLY ACTIVITY REPORT AND 1971/72 FISCAL YEAR SUMMARY
October 1, - December 31, 1971

The following activities occurred in the Claims Audit Unit for the second quarter:

Course	AMOUNT OF REIMBURSEMENT			NUMBER OF MEN			MAN DAYS		
	Prev. Qtr. Totals	Second Quarter	Total F.Y. Amount	Prev. Qtr. Total	Sec. Qtr.	F.Y. Total	Prev. Qtr. Totals	Second Quarter	Total
Basic	\$548,160.50	\$1,153,322.32	\$1,701,482.82	274	639	913	14,522	33,867	48,389
Supervisory	19,355.20	82,316.96	101,672.16	37	128	165	444	1,536	1,980
Advanced Officer	17,163.26	189,399.21	206,562.47	74	936	1,010	370	4,680	5,050
Middle Management Course	21,515.62	32,987.80	54,503.42	45	60	105	495	660	1,155
Middle Management Seminar	17,321.87	16,218.25	33,540.12	72	78	150	216	234	450
Executive Development Course	6,516.75	11,156.64	17,673.39	11	18	29	132	216	348
Executive Development Seminar	-0-	1,695.60	1,695.60	-0-	7	7	-0-	21	21
Subtotal	\$630,033.20	\$1,487,096.78	\$2,117,129.98	513	1,866	2,379	16,179	41,214	57,393

Course	AMOUNT OF REIMBURSEMENT			NUMBER OF MEN			MAN DAYS		
	Prev. Qtr. Totals	Second Quarter	Total F.Y. Amount	Prev. Qtr. Total	Sec. Qtr.	F.Y. Total	Prev. Qtr. Totals	Second Quarter	Total
Law Enforcement Legal Education	3,623.00	17,272.73	20,895.73	15	86	101	75	430	505
Motorcycle School	1,375.76	7,474.27	8,850.03	5	30	35	60	360	420
Narcotics & Dangerous Drugs	-0-	6,582.61	6,582.61	-0-	23	23	-0-	253	253
Police Training Officer's Course	-0-	10,948.65	10,948.65	-0-	22	22	-0-	220	220
Riot & Civil Disturbance (A)	11,973.54	50,601.12	62,574.66	94	443	537	376	1,772	2,148
Riot & Civil Disturbance (B)	753.87	15,004.09	15,757.96	4	98	102	16	392	408
Spanish for Peace Officers	9,440.92	-0-	9,440.92	14	-0-	14	308	-0-	308
Teaching Law to the Police Officer	2,417.40	839.95	3,257.35	13	4	17	78	24	102
Tear Gas	1,636.59	7,118.49	8,755.08	73	338	411	73	338	411
Television Instruction	8,000.00	3,000.00	11,000.00	8	3	11	112	42	154
Total Immersion Spanish	10,000.00	2,000.00	12,000.00	10	2	12	220	44	264
Vice School	-0-	5,608.35	5,608.35	-0-	43	43	-0-	215	215
Weaponless Defense & Baton Instruction	<u>684.53</u>	<u>738.17</u>	<u>1,422.70</u>	<u>3</u>	<u>3</u>	<u>6</u>	<u>30</u>	<u>30</u>	<u>60</u>
Subtotal Tech/Spec	133,068.97	268,776.98	401,845.95	665	1,775	2,440	3,573	8,596	12,169
Subtotal other courses	<u>630,033.20</u>	<u>1,487,096.78</u>	<u>2,117,129.98</u>	<u>513</u>	<u>1,866</u>	<u>2,379</u>	<u>16,179</u>	<u>41,214</u>	<u>57,393</u>
TOTAL ALL COURSES	<u>\$763,102.17</u>	<u>\$1,755,873.76</u>	<u>\$2,518,975.93</u>	<u>1,178</u>	<u>3,641</u>	<u>4,819</u>	<u>19,752</u>	<u>49,810</u>	<u>69,562</u>

Mr. Fravel S. Brown

-4-

January 19, 1972

The above amounts are for the 852 claims processed during the second quarter period.

Fifty-eight additional claims were processed during the second quarter period for courses completed in 1969/70 F.Y. and 1970/71 F.Y. Two of these claims were for 1969/70 F.Y.; they totaled \$4,368.22 for 28 trainees. The other fifty-six claims totaled \$66,694.96 for 193 trainees, for 1970/71 F.Y..

Patti Murphy

Patti Murphy, Supervisor
Claims Audit Unit



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

714 P STREET, ROOM 1508
SACRAMENTO, CALIFORNIA 95814

PEACE OFFICER TRAINING FUND
Estimated

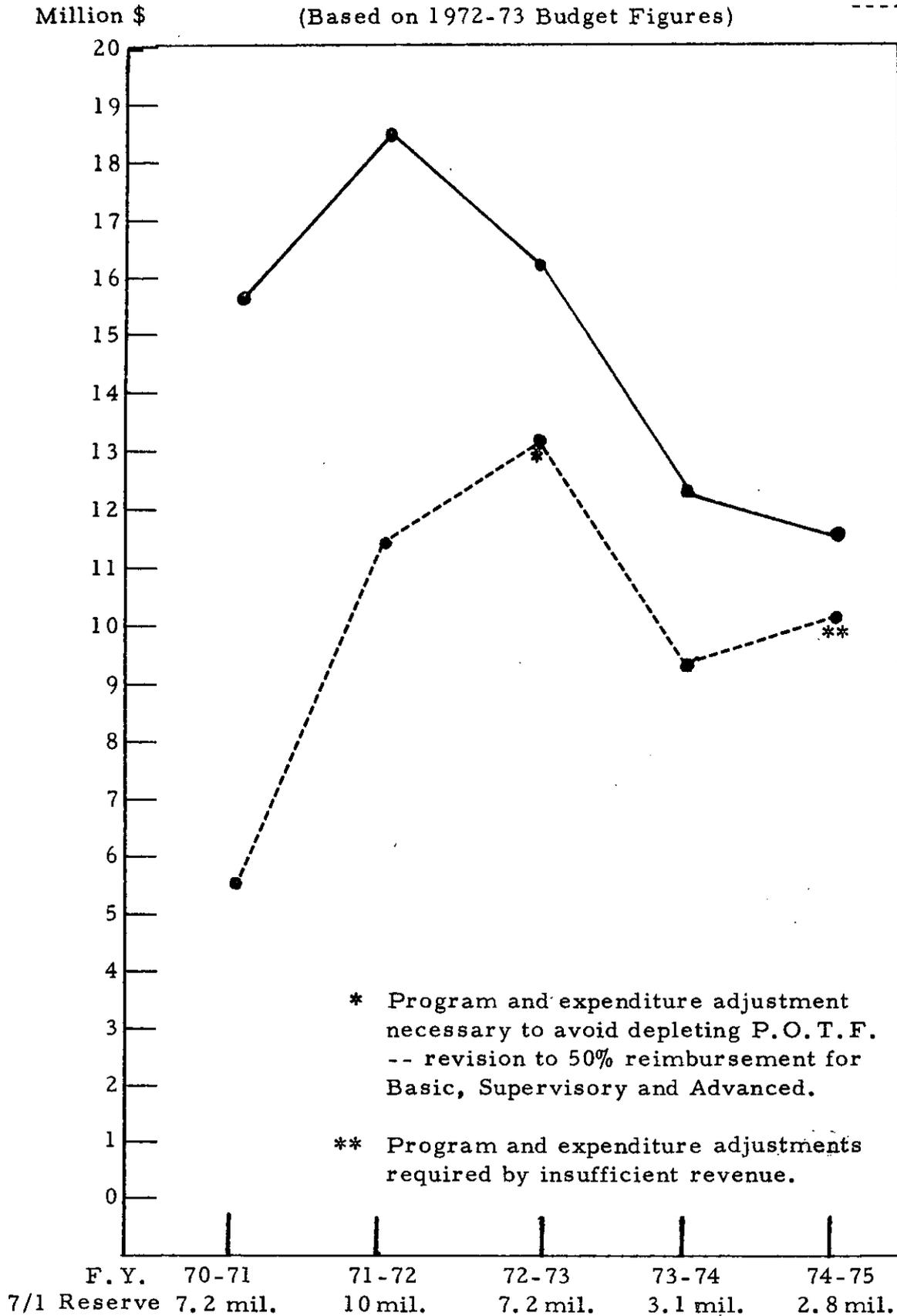
March 15, 1972

	1970-71 <u>Actual</u>	<u>1971-72</u> Budget	Current <u>Estimate</u>	1972-73 <u>Budget</u>
Accumulated Reserve July 1	\$ 7,200,000	\$10,050,000		\$ 7,220,000
Revenue	<u>8,470,000</u>	<u>8,500,000</u>		<u>9,000,000</u>
Total Resources	\$15,670,000	\$18,550,000		\$16,200,000
Expenditures				
Administration	\$ 460,000	\$ 930,000	\$ 850,000	\$ 930,000
Reimbursements	<u>5,170,000</u>	<u>10,400,000</u>	<u>8,535,000</u>	<u>12,170,000</u>
Total Expenditures	\$ 5,630,000	\$11,330,000	\$9,385,000	\$13,100,000
Accumulated Reserve June 30	\$10,050,000	\$ 7,220,000	\$9,165,000	\$ 3,110,000

*Figures based on expenditures through March 15, 1972 and projected through June 30, 1972, on basis of 1970-71 experience.

Peace Officer Training Fund Projection
 (Based on 1972-73 Budget Figures)

Resources
 Expenditures





COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

714 P STREET, ROOM 1508
SACRAMENTO, CALIFORNIA 95814

WHEREAS, the California Council on Criminal Justice may consent to review for possible funding the Project submitted by the California Commission on Peace Officer Standards and Training referred to as Project S. T. A. R. ; now therefore be it

RESOLVED: That the Chairman of this Commission is directed to execute and submit to C. C. C. J. on behalf of P. O. S. T. the application for grant for law enforcement purposes; and be it further

RESOLVED: That in the event the C. C. C. J. consents to fund the above project, the Commission agrees to accept the grant and designates John Fabbri, Chairman, to execute on behalf of P. O. S. T. the contract for the grant for law enforcement purposes; and be it further

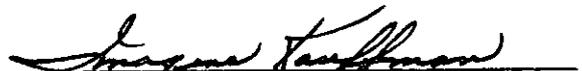
RESOLVED: That the applicant agrees to provide the required matching funds to said Project; and be it further

RESOLVED: That grant funds received hereunder shall not be used to supplant ongoing law enforcement expenditures.


JOHN FABBRI, Chairman

I hereby certify that the foregoing is a true copy of the Resolution adopted by the P. O. S. T. Commission in a meeting thereof held on March 24, 1972, by the following vote:

Ayes: 7 Noes: 0 Absent: 3


Recording Secretary 3-29-72

Attachment "H"

RECOMMENDATIONS WITH COMMISSION ACTIONS

P.O.S.T. Commission Meeting March 24, 1972

1. It is recommended that the P.O.S.T. Commission, through its staff, serve as a primary advisory resource to the California Council on Criminal Justice on the development and use of regional criminal justice training centers.

Commission Action: Accepted as submitted.

2. It is recommended that the Commission authorize proceedings to include reimbursement for certain civilian law enforcement personnel, to be individually designated by the Commission, by amending Section 1015 of the Regulations.

Commission Action: The staff was instructed to seek an Attorney General's opinion as to whether implementation would necessitate an amendment in the law or only a change in the P.O.S.T. Regulations.

3. It is recommended that a system be developed to compare claims with class rosters so that agencies might be advised that they have failed to submit an authorized claim for reimbursement.

Commission Action: It was the sense of the Commission that this is acceptable if it increases effectiveness and there is no increase in cost.

4. It is recommended that the basic courses at Berkeley, South Gate and Alhambra be decertified with one year's notice.

Commission Action: Accepted as submitted.

5. It is recommended that any immediate expansion of the basic course include the following 26 hours; baton training - 8 hours; chemical agents - 8 hours; credit cards and crime - 4 hours; problems of the deaf - 1 hour; medic-alert - 1 hour; fire services - 4 hours.

Commission Action: Accepted with the deletion of specific hours.

6. It is recommended that the Commission authorize staff to develop the basic course to 400 hours based on a universally required core, an additional block differentiated for rural and urban departments and a block of electives to accommodate differing local peculiarities.

Commission Action: Staff was instructed to work through the P.O.S.T. Advisory Committee for implementation of this recommendation.

7. It is recommended that the Commission authorize proceedings to amend the Specification 7 to require that all advanced officer courses include a minimum of 8 hours on the following subjects:

1. Recent court decisions
2. New law and changes in statutes
3. Arrest, search and seizure refresher
4. Community-police relations

Commission Action: Accepted with the provision that the specific hours be deleted.

8. It is recommended that the Commission encourage concerned schools to present certified supervisory courses in institute formats not to exceed 30 days in length.

Commission Action: Staff was instructed to research the advantages and disadvantages of the intensive and semester-length courses, and resubmit.

9. It is recommended that the number of certified supervisory courses be maintained at the present number until future training requirements necessitate expansion.

Commission Action: Accepted as submitted.

10. It is recommended that a new course category, Supervisory Seminars, be created.

Commission Action: Accepted as submitted in concurrence with approved P.O.S.T. Regulation changes.

11. It is recommended that the supervisory course curriculum be thoroughly researched to determine the feasibility and desirability of combining the Supervisory and the Techniques of Teaching Courses; or to establish optimum coordination between the two courses.

Commission Action: Accepted as submitted.

12. It is recommended that the Commission consider one of three alternatives stated for financing middle management courses.

Commission Action: The Commission selected the following method:

1. Enrollment and revenue could be coordinated by P.O.S.T. as follows:

- a. An optimum class size, within a very narrow range, should be established by the Commission -- say 20-25 students.
- b. Each certified institution should be required to submit a detailed budget, based on this class size, on a P.O.S.T. budget form.
- c. Each budget should be carefully reviewed by P.O.S.T. staff and justification for wide variations should be established or they should be eliminated.
- d. A regular yearly schedule of presentations should be prepared by each institution and publicized by P.O.S.T. in a master schedule. P.O.S.T. staff should assist in scheduling coordination and forecasting.
- e. Each institution should report to P.O.S.T. any over-enrollment and under-enrollment and P.O.S.T. will assist in arranging for even distribution of enrollment.

13. It is recommended that Specification 11, Section B, Paragraph 2, be changed to read:

Department heads, assistant department heads, and middle managers, as defined in Section 1001 (e), are eligible for the middle management course and seminars. Those officers designated by their department head may attend middle management seminars.

Commission Action: Withdrawn -- to be covered by July 1, 1972 Regulation change.

14. It is recommended that the number of certified Executive Development Courses be held constant until participation increases beyond present capacity.

Commission Action: Accepted as submitted.

15. It is recommended that the Commission request time in each Executive Development Course for instruction by an Administrative Counseling Consultant on the subject of organization and information systems.

Commission Action: Accepted as submitted but to include middle management courses.

16. It is recommended that executive development seminars remain at five until participation indicates a need for expansion.

Commission Action: Accepted as submitted.

17. It is recommended that the moratorium on certification of new courses be terminated. It is further recommended that the Commission consider requests for certification of courses in the 15 listed jobs only when curricula have been developed, either by P.O.S.T. staff or by other concerned persons or institutions, through a valid and systematic process and where implementation will conform to the recommended geographic pattern.

Commission Action: Accepted as submitted.

18. It is recommended that the Commission consider requests for certification of technical or special courses not specifically related to the 15 jobs only upon demonstrated need and only where active participation by law enforcement agencies is indicated.

Commission Action: Accepted as submitted.

19. It is recommended that the Commission authorize staff to take a more aggressive role in arranging chronological coordination of all P.O.S.T. training programs.

Commission Action: Staff was directed to establish more communication with the Board of Governors of the Community Colleges, to encourage them to set census dates 18 months in advance and to schedule four per year.